

State of California  
AIR RESOURCES BOARD

Resolution 98-17

April 23, 1998

Agenda Item No.: 98-4-1

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in Section 43000 of the Health and Safety Code, the Legislature has declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the state and, in Sections 39002 and 39003 of the Health and Safety Code, has charged the Board with the responsibility of systematically addressing the serious air pollution problem caused by motor vehicles;

WHEREAS, Sections 43013, 43101, and 43104 of the Health and Safety Code authorize the Board to adopt motor vehicle emission standards, in-use performance standards, and test procedures, which it finds to be necessary, cost-effective, and technologically feasible;

WHEREAS, Section 43018 of the Health and Safety Code directs the Board to endeavor to achieve the maximum degree of emissions reduction possible from vehicular sources to accomplish the attainment of state ambient air quality standards by the earliest practicable date;

WHEREAS, the regulations proposed by the staff set forth the engines and vehicles to which the regulations would apply; standards and test procedures; labeling requirements; useful life definition; and warranty and rebuild requirements;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to substantially reduce or avoid such impacts;

WHEREAS, the Board has considered the impact of the proposed regulatory action on the economy of the state;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

It is necessary and appropriate that the proposed regulations require engine manufacturers to certify diesel engines used in California heavy-duty vehicles to the proposed mandatory oxides of nitrogen plus nonmethane hydrocarbon emission standards, beginning in 2004, to provide for reductions of oxides of nitrogen and hydrocarbons;

It is necessary and appropriate that the proposed regulations establish the proposed optional reduced-emission standards for 2004 and later heavy-duty vehicles;

It is necessary and appropriate that the proposed regulations provide for participation in the federal averaging, banking, and trading program for heavy-duty diesel engines beginning in 1998 for credit generation and for medium-duty (having a gross vehicle weight rating over 8,500 and through 14,001 pounds) diesel engines beginning in 1998 for credit generation in California, with credit use for both classes beginning with the 2004 model year;

It is necessary and appropriate that the proposed regulations extend the useful life and equipment maintenance intervals for heavy-duty diesel and Otto-cycle engines, equivalent to the final federal rulemaking;

It is necessary and appropriate that the proposed regulations require manufacturers to certify medium-duty diesel engines, in vehicles with a gross vehicle weight rating over 8,500 and through 14,000 pounds, on federal fuel beginning in 2006;

It is necessary and appropriate that the proposed regulations establish modified nonmethane hydrocarbon test methods, modified labeling requirements, modified warranty provisions, modified rebuild requirements, and new maintenance instructions for the 2004 and later model year heavy-duty diesel and Otto-cycle engines which would harmonize these requirements with the federal regulations; and

It is necessary and appropriate that the proposed regulations differ somewhat from the federal requirements for durability testing, alternative fuel engine testing, the formaldehyde emission calculations, and the incorporation of California-specific sales and production data;

WHEREAS, the Board finds that adoption of the regulations approved herein will not have a significant adverse environmental impact and that the regulations are projected to have a positive air quality impact.

WHEREAS, the Board further finds that no alternative considered by the Board would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves amendments to sections 1956.8, 1965, 2112, and 2036 of Title 13, California Code of Regulations, and to the heavy-duty test procedures incorporated by reference in section 1956.8, as noticed on March 6, 1998, with the modifications as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments, with the modifications as set forth in Attachment A, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make further modifications as may be appropriate in light of the comments received or as necessary for consistency with the modifications in Attachment A, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board hereby determines that the regulations adopted herein will not cause California motor vehicle emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards.

BE IT FURTHER RESOLVED that the Board hereby finds that separate California emission standards and test procedures are necessary for medium-duty diesel engines (vehicles having a gross vehicle weight rating over 8,500 through 14,000 pounds) until 2004.

BE IT FURTHER RESOLVED that the Board finds that the California emission standards and test procedures as adopted herein will not cause the California requirements to be inconsistent with section 202(a) of the Clean Air Act and raise no new issues affecting previous waiver determinations of the Administrator of the Environmental Protection Agency pursuant to section 209(b) of the Clean Air Act.

BE IT FURTHER RESOLVED that the Executive Officer shall, upon adoption, forward the regulations to the Environmental Protection Agency with a request for a waiver or confirmation that the regulations are within the scope of an existing waiver of federal preemption pursuant to section 209 (b) of the Clean Air Act, as appropriate.

I hereby certify that the above is a true and correct copy of Resolution 98-17, as adopted by the Air Resources Board.

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Pat Hutchens, Clerk of the Board

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Identification of Attachments to the Resolution

Attachment A: Modifications to the originally noticed proposed regulations, as the modifications were suggested by staff and were directed by the Board at the April 23, 1998 public hearing.